GOVERNMENT OF INDIA
HEALTH AND FAMILY WELFARE
LOK SABHA

UNSTARRED QUESTION NO:2352
ANSWERED ON:17.12.2003
HEALTH SECURITY
SURESH KURUP

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether the Government has taken any effective measures to protect the citizens from the possible threat to health security in the post Trade Related Intellectual Property Rights (TRIPS) era;

(b) if so, the details thereof; and

(c) the details of assessment of health security in the country?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI A. RAJA)

(a)&(b): The Patents Act 1970 has been amended to fulfill India`s obligations in the post Trade Related Intellectual Property Rights (TRIPS) era.There are specific provisions in the Patents Act 1970 to ensure protection of public health concerns. These provisions are enumerated at Annexure-1.

(c): No comprehensive assessment of health security in the country on a centralized basis has been done by the Government.

Annexurc-I

Annexure in reply to Lok Sabha USQ No.2352 asked by Shri Suresh Kurup for 17.12.2003 regarding health security.

Provisions in the Patents Act, 1970 for protection of public health concerns

a. To ensure availability of products, including medicines, at reasonable price through compulsory licence.(section 84)
b. To deal with emergent situations or cases of public non-commercial use (section92)
c. To enable parallel import of product, including medicines, at competitive prices (section 107 A (b))
d. To ensure import of medicines by Government (section 47 (4))
e. For ensuing availability of products, including medicines, as soon as the term of patent is over (Bolar provision, that is, section 107 A(a))
f. For acquisition of patent right by Government (section 102)
g. To enable use of patent for research, experiment and education purpose (section 47 (3))
h. To enable use of invention for the purposes of Government (section 100)
i. For revocation of patent for non-working in India (section 85)
j. For revocation of patent in public interest (section 66)